

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LISA and SCOTT CAVE, on behalf of
themselves and all others similarly situated

v.

SAXON MORTGAGE SERVICES, INC. and
OCWEN LOAN SERVICING, LLC

CIVIL ACTION

NO. 11-4586

ORDER

AND NOW, this 12th day of December, 2012, upon consideration of Defendant Ocwen Loan Servicing, LLC's ("Ocwen") Motion to Dismiss (Docket No. 37), and all documents filed in connection thereto, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Ocwen's Motion to Dismiss is **DENIED** as to Count IV (Violation of the FDCPA).
2. Ocwen's Motion to Dismiss is **GRANTED** as to Count I (Breach of Contract and Breach of the Implied Duty of Good Faith and Fair Dealing), Count II (Promissory Estoppel), Count III (Violation of the UTPCPL), and Count III (Violation of the FCEUA), and these Counts are **DISMISSED**.
3. Plaintiffs' request for leave to amend the Complaint is **DENIED**.

BY THE COURT:


John R. Padova, J.